

REGISTER OF ACTIONS**CASE NO. D-202-CV-2013-08946**

Terry McDaniel, et. al., v. Francisco Javier Mendez Loya, et. al.

§
§
§
§
§
§Case Type: **Other**
Date Filed: **11/08/2013**
Location: **Bernalillo County**
Judicial Officer: **Bacon, C. Shannon****PARTY INFORMATION**

		Attorneys
3rd Party Defendant	Saucedo, Armando Gaytan	
3rd Party Plaintiff	Mendez Loya, Francisco Javier	Colbert N. Coldwell <i>Retained</i> 915-544-6646(W)
Defendant	McDaniel, Terry	
Defendant	Mendez Loya, Francisco Javier <i>Doing Business As</i> Translogistica Menlo	Colbert N. Coldwell <i>Retained</i> 915-544-6646(W)
Defendant	Red Rock Risk Rentention Group Inc	
Defendant	Saucedo, Armando Gaytan	
Plaintiff	Cowan, Vanessa	Bruce Evan Thompson <i>Retained</i> 000-343-1776(H)
Plaintiff	McDaniel, Terry	Bruce Evan Thompson <i>Retained</i> 000-343-1776(H)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS			
11/08/2013	Cause Of Actions	Declaratory Relief	
	Action Type	Action	
11/08/2013	Cause Of Actions	Other Damages	
	Action Type	Action	
11/08/2013	<u>OPN: COMPLAINT</u>		
	<i>Complaint for Declaratory Judgment and Damages</i>		
11/08/2013	<u>ARB: CERT NOT SUBJECT</u>		
11/12/2013	Summons		
	Mendez Loya, Francisco Javier	Served	03/21/2014
		Response Received	04/10/2014
		Returned	04/01/2014
	Saucedo, Armando Gaytan	Unserved	
	Red Rock Risk Rentention Group Inc	Unserved	
	McDaniel, Terry	Unserved	
03/31/2014	<u>CERTIFICATE OF SERVICE</u>		
	<i>Served DF by mail on 3/22/14, Summons and Complaint</i>		
04/01/2014	<u>CERTIFICATE OF SERVICE</u>		
	<i>Complaint and Summons were served on Defendant on 3/21/14 via certified mail. Accepted by Betty Sheppard.</i>		
04/10/2014	<u>ENTRY OF APPEARANCE</u>		
04/10/2014	<u>ANSWER</u>		
	<i>Original Answer of Francisco Javier Mendez Loya</i>		
04/21/2014	Cause Of Actions	Other Damages (3rd Party Complaint)	
	Action Type	Additional Action	
04/21/2014	<u>THIRD PARTY COMPLAINT</u>		
	<i>Third Party Complaint</i>		
04/21/2014	<u>ARB: CERT NOT SUBJECT</u>		
05/02/2014	<u>CERTIFICATE OF SERVICE</u>		
	<i>Notice of Service of Summons & Complaint 04/28/14</i>		

EXHIBIT A

FILED IN MY OFFICE
DISTRICT COURT CLERK
11/8/2013 9:55:03 AM
GREGORY T. IRELAND

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Andrea Salas

TERRY MCDANIEL, and
VANESSA COWAN,

Plaintiffs,

D-202-CV-2013-08946

v.

FRANCISCO JAVIER MENDEZ LOYA,
d/b/a TRANSLOGISTICA MENLO,
ARMANDO GAYTAN SAUCEDO,
RED ROCK RISK RETENTION GROUP, INC.,
TERRY MCDANIEL,

Defendants.

COMPLAINT FOR DECLARATORY JUDGMENT AND DAMAGES

PLAINTIFFS, TERRY MCDANIEL and VANESSA COWAN, through counsel of record below, for their causes of action against FRANCISCO JAVIER MENDEZ LOYA, d/b/a "Translogistica Menlo" (hereinafter, "Defendant Loya"), ARMANDO GAYTAN SAUCEDO (hereinafter, "Defendant Saucedo"), RED ROCK RISK RETENTION GROUP, INC. (hereinafter, "Defendant Red Rock"), and TERRY MCDANIEL (hereinafter, "Defendant McDaniel"), states:

PARTIES

1. Plaintiff McDaniel is a resident of Bernalillo County, New Mexico.
2. Plaintiff Cowan is a resident of Bernalillo County, New Mexico.
3. Upon information and belief, Defendant Loya is a business entity whose physical address is in Chihuahua, Mexico.
4. Upon information and belief, Defendant Loya is registered with the United States Department of Transportation (USDOT) as a federal motor carrier, USDOT Number 1619021Z.

5. Upon information and belief, Defendant Loya maintained a mailing address within the United States of 5721 E. Yandell, Suite C, El Paso, Texas, 79925.

6. Upon information and belief, Defendant Saucedo is a resident of Juarez, Mexico.

7. Upon information and belief, Defendant Red Rock is an out-of-state insurer.

8. Defendant McDaniel is a resident of Bernalillo County, New Mexico.

FACTS

9. Upon information and belief, Defendant Saucedo was an employee of Defendant Loya at all material times.

10. Upon information and belief, Defendant Loya did not have liability insurance in effect for the 1997 Kenworth involved in the collision. **Exhibit 1.**

11. On or about November 9, 2010, a collision or series of collisions occurred between two vehicles: (1) a 1997 Kenworth tractor trailer (“semi”) operated by Defendant Saucedo and owned by Defendant Loya, and (2) a 2010 International tractor trailer (“semi”) operated by Plaintiff McDaniel and owned by Swift Transportation. **Ex. 1.**

12. The semis were each traveling Southbound. **Ex. 1.**

13. The collision or series of collisions between the semis (hereinafter, “the wreck”) occurred on I-25 at approximately mile marker 218, at approximately 11:50 p.m. **Ex. 1.**

14. Upon information and belief, the 1997 Kenworth operated by Defendant Saucedo was “uninsured,” as that term is defined by New Mexico law. **Ex. 1.**

15. Upon information and belief, Defendant Saucedo was “uninsured,” as that term is defined by New Mexico law. **Ex. 1.**

16. Defendant Saucedo was an “uninsured motorist” as that term is defined by New

Mexico law.

17. Upon information and belief, Defendant Red Rock was the insurer for the 2010 International owned by Swift at the time of the wreck, with \$1,000,000 in liability limits.

18. Upon information and belief, the Red Rock policy provides UM/UIM coverage in limits equal to the liability limits of the policy.

19. The wreck was caused by the negligence and reckless conduct of Defendant Saucedo.

20. Plaintiff McDaniel suffered serious bodily injury in the wreck.

21. Plaintiff Cowan suffered serious bodily injury in the wreck.

22. Defendant Saucedo's conduct in causing the wreck was intentional, willful, wanton, malicious, and otherwise in reckless disregard for the personal safety of Plaintiffs and others on the road. **Ex. 1.**

23. Plaintiff Cowan alleges no specific claims against Defendant McDaniel, because Plaintiff Cowan does not believe Defendant McDaniel was negligent.

24. Nevertheless, the investigating police officer attributed fault to Defendant McDaniel in a notation attributing "driver inattention" to Defendant McDaniel. **Ex. 1.**

25. In addition, Defendant Saucedo attributed fault to Defendant McDaniel in his statement to the investigating police officer. **Ex. 1.**

26. Based on the notation and statement described in the police report, Plaintiff Cowan may ultimately have colorable claims for negligence against Defendant McDaniel.

27. Because Plaintiff Cowan may have colorable claims for negligence against Defendant McDaniel, Defendant McDaniel is a properly named defendant in this action.

COUNT 1.
DAMAGES FOR PERSONAL INJURY

28. Plaintiffs incorporate all allegations as though contained herein.

29. Plaintiff Cowan seeks all available tort damages arising from her injuries against Defendant Saucedo and his employer, Defendant Loya.

30. Plaintiff seeks punitive damages as determined by the trier of fact that are appropriate and necessary to punish Defendant Saucedo and Defendant Loya and to deter similar conduct by others in New Mexico.

COUNT 2.
DECLARATORY JUDGMENT

31. Plaintiffs incorporate all allegations as though contained herein.

32. This action for declaratory judgment is authorized by NMSA 1978, § 44-6-1 et seq., and governed by Rule 1-057 NMRA.

33. There exists an actual controversy between Plaintiffs and Defendant Red Rock concerning the existence of UM/UIM coverage on the 2010 International semi.

34. Plaintiffs respectfully ask the Court to declare that Defendant Saucedo was an “uninsured motorist” as that term is defined by New Mexico law.

35. Plaintiffs respectfully ask the Court to declare that Defendant Red Rock insured the 2010 International semi in which Plaintiffs suffered bodily injury during the wreck.

36. Plaintiffs respectfully ask the Court to declare that the Red Rock insurance policy does not comply with New Mexico’s requirement to provide a meaningful offer of UM/UIM coverage in limits equal to the liability limits.

37. Plaintiffs respectfully ask the Court to declare that the Red Rock policy includes

UM/UIM coverage in limits equal to the liability limits as a matter of law.

38. Plaintiffs respectfully ask the Court to declare that Plaintiffs were each covered under the Red Rock insurance policy for UM/UIM coverage in limits equal to the liability limits.

COUNT 3.
UM/UIM BENEFITS

39. Plaintiffs incorporate all allegations as though contained herein.

40. Defendant Red Rock owed a duty under the Red Rock policy and under New Mexico law to pay Plaintiff McDaniel UM/UIM benefits in the total amount of his tort damages arising from bodily injury suffered in the wreck, both compensatory and punitive, up to the limits of liability under the Red Rock policy.

41. Defendant Red Rock owed a duty under the Red Rock policy and under New Mexico law to pay Plaintiff Cowan UM/UIM benefits in the total amount of her tort damages arising from bodily injury suffered in the wreck, both compensatory and punitive, up to the limits of liability under the Red Rock policy.

42. Plaintiffs demand full payment of their respective UM/UIM benefits, up to the limits of liability under the Red Rock policy.

WHEREFORE, Plaintiffs respectfully request that this Court grant all relief petitioned for above, including declaratory judgment, damages, punitive damages, attorney's fees, costs, pre- and post-judgment interest, and such other relief as this Court deems just and proper.

Respectfully Submitted,

MARTINEZ HART & THOMPSON, P.C.

/s/ Bruce E. Thompson

Bruce E. Thompson
Attorney for Plaintiffs
1801 Rio Grande Blvd NW
Albuquerque, NM 87104
(505) 343-1776
(505) 344-7709 (fax)
brucet@osolawfirm.com

STATE OF NEW MEXICO
UNIFORM CRASH REPORTBernalillo County Sheriff's Office
REPORTING DEPARTMENT

<input type="checkbox"/> ON PRIVATE PROPERTY <input checked="" type="checkbox"/> FATAL <input checked="" type="checkbox"/> INJURY PROPERTY DAMAGE ONLY <input type="checkbox"/> UNDER \$500 <input type="checkbox"/> \$500 OR MORE <input type="checkbox"/> HIT AND RUN		Case Number: 10-665462 NMDOT: 10392536	
DATE OF CRASH: 11/8/2010		MILITARY TIME: 2348	
CITY OCCURRED IN: 711		COUNTY: Bernalillo	
OCCURRED ON: (Route No. or Name) 1-25 At 218		AT INTERSECTION WITH: TRIBAL LAND? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
OTHER LOCATION: 218 FEET: <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W MILES: <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W		PERMANENT LANDMARK - COUNTY LINE - INTERSECTION - MILEPOST LAT: LONG:	
CRASH OCCURRED: <input checked="" type="checkbox"/> On Roadway <input type="checkbox"/> Off Roadway CLASSIFICATION: <input type="checkbox"/> Overturned <input type="checkbox"/> Other R-Col <input type="checkbox"/> Pedestrian <input checked="" type="checkbox"/> Other Vehicle <input type="checkbox"/> Vehicle on Other Rdwy <input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Other Object		ANALYSIS CODE: 8	
VEHICLE NO. HEADED: 1 N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W <input type="checkbox"/> On: 1-25 Driver's Full Name: Saucedo, Armando Driver's License Number: CHHL202028 Date of Birth - M/D/YR: 05/16/1958 Social Security Number: Occupation: Age: 54 Sex: M Race: H Injury Code: 0 OP Code: 3 OP Used Property: Y Airbag Deployed: N Ejected: N EMS#		Posted Speed: 65 Safe Speed: 65	
Vehicle Yr: 1997 Vehicle Make: Kenworth Color: RED Body Style: TS Cargo Body Type: License Yr: 2050 State: NM License Plate Number: 8428FTD VIN: 1UYVS2482MU812910 US DOT: 01619021 ICC Docket # Number of Axles: 5 Gross Vehicle Weight Rating/Gross Combination Weight Rating: <input checked="" type="checkbox"/> > 26,000 Carrier's Name: Francisco Javier Mendez Carrier's Address: 5721 E Yandell, El Paso, TX Carrier's Zip: 78925- Owner's Name: Saucedo, Armando Gaytan Owner's Address: 1844 Suecia Rd, Juarez, MX Owner's Zip: Insured By: (Name of Company) State National Insurance Policy Number: R29810851 Liability Insurance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Trailer or Towed vehicle? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Type: SE Year: 1992 Make: UUI License Yr: 2050 Lic State: NM Lic Number: 8326FTD		Towed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Overall Vehicle Damage: <input type="checkbox"/> Disabled <input type="checkbox"/> Functional <input type="checkbox"/> Appearance <input checked="" type="checkbox"/> Property <input type="checkbox"/> Fire <input type="checkbox"/> None Towed due to disabling damage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Vehicle Yr: 2010 Vehicle Make: International Color: WHI Body Style: TS Cargo Body Type: License Yr: 2011 State: OK License Plate Number: 3419EQ VIN: 3HSCUAPR2BN263863 US DOT: 054283 ICC Docket # Number of Axles: 5 Gross Vehicle Weight Rating/Gross Combination Weight Rating: <input checked="" type="checkbox"/> > 26,000 Carrier's Name: Swift Transportation Co Carrier's Address: PO Box 29243, Phoenix, AZ Carrier's Zip: 85038- Owner's Name: Swift Transportation LLC Owner's Address: PO Box, Phoenix, AZ Owner's Zip: 85038- Insured By: (Name of Company) UNK Policy Number: UNK Liability Insurance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Trailer or Towed vehicle? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Type: SE Year: 2006 Make: UUI License Yr: 2011 Lic State: OK Lic Number: 3419EQ		Towed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Overall Vehicle Damage: <input checked="" type="checkbox"/> Disabled <input type="checkbox"/> Functional <input checked="" type="checkbox"/> Appearance <input type="checkbox"/> Property <input type="checkbox"/> Fire <input type="checkbox"/> None Towed due to disabling damage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

CRASH REPORT NUMBER:
CASE NUMBER: 10-665462STATE OF NEW MEXICO UNIFORM CRASH REPORT
NM DOT, CRASH RECORDS SECTION, PO BOX 1149, SANTA FE, NM 87504SHEET 1
OF 3 SHEETS

EXHIBIT 1

ROAD-WEATHER		WEATHER (Mark 1 with X)		ROAD CONDITION (Mark 1 each with X)		ROAD SURFACE (Mark 1 each with X)		TRAFFIC CONTROL (Mark 1 each with X)		ROAD CHARACTER (Mark 1 with X)		CRASH REPORT NUM:	
ROAD-WEATHER	<input type="checkbox"/> Daylight <input type="checkbox"/> Dawn <input type="checkbox"/> Dusk <input type="checkbox"/> Dark Lighted <input checked="" type="checkbox"/> Dark-Not Lighted <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Clear <input type="checkbox"/> Raining <input type="checkbox"/> Snowing <input type="checkbox"/> Fog <input type="checkbox"/> Dust <input type="checkbox"/> Wind <input type="checkbox"/> Other <input type="checkbox"/> Sleet or Hail	V1 V2 <input checked="" type="checkbox"/> Dry <input checked="" type="checkbox"/> Wet <input type="checkbox"/> Snow <input type="checkbox"/> Ice <input type="checkbox"/> Loose Material <input type="checkbox"/> Other <input type="checkbox"/> Standing or Moving Water <input type="checkbox"/> Slush	V1 V2 <input type="checkbox"/> Paved <input type="checkbox"/> Unstripped <input type="checkbox"/> Paved Center Stripe <input checked="" type="checkbox"/> Paved Center & Edge line <input type="checkbox"/> Unpaved	V1 V2 <input type="checkbox"/> No Passing Zone <input type="checkbox"/> Stop Sign <input type="checkbox"/> Traffic Signals <input type="checkbox"/> Yield Sign <input type="checkbox"/> R.R. Gate <input type="checkbox"/> 4 Way Stop <input type="checkbox"/> Flashers <input checked="" type="checkbox"/> No Controls <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Straight <input type="checkbox"/> Curve GRADE (Mark 1 with X) <input checked="" type="checkbox"/> Level <input type="checkbox"/> Hillcrest <input type="checkbox"/> On Grade <input type="checkbox"/> Dip	CASE NUMBER: 10-665462 ROAD DESIGN (Mark 1 or more for each with X) V1 V2 <input type="checkbox"/> 1 Lane <input checked="" type="checkbox"/> 2 Lanes <input type="checkbox"/> 3 Lanes <input type="checkbox"/> 4 + Lanes <input type="checkbox"/> Undivided <input checked="" type="checkbox"/> Physical Divider <input checked="" type="checkbox"/> Painted Divider V1 V2 <input checked="" type="checkbox"/> One Way <input type="checkbox"/> Ramp <input type="checkbox"/> Full Access Control <input type="checkbox"/> Undeveloped <input type="checkbox"/> Alley <input type="checkbox"/> Other <input type="checkbox"/> Constr. Zone						
	APPARENT CONTRIBUTING FACTORS (Mark 1 or more for each with X) V1 V2 <input type="checkbox"/> Excessive Speed <input type="checkbox"/> Speed too fast for conditions <input type="checkbox"/> Failed to yield right of way <input type="checkbox"/> Passed stop sign <input type="checkbox"/> Disregarded traffic signal <input type="checkbox"/> Drove left of center <input type="checkbox"/> Improper overtaking <input type="checkbox"/> Avoid no contact vehicle <input type="checkbox"/> Avoid no contact - other <input type="checkbox"/> Cell Phone V1 V2 <input type="checkbox"/> Following too closely <input type="checkbox"/> Made improper turn <input checked="" type="checkbox"/> Driver inattention <input type="checkbox"/> Under influence of alcohol <input type="checkbox"/> Other improper driving <input type="checkbox"/> Pedestrian error <input type="checkbox"/> Inadequate brakes <input type="checkbox"/> Driverless moving vehicle <input type="checkbox"/> Failed to yield-Police Vehicle(s) <input type="checkbox"/> Failed to yield-Emergency Veh(s) V1 V2 <input type="checkbox"/> Defective steering <input type="checkbox"/> Defective tires <input type="checkbox"/> Other mechanical defect <input type="checkbox"/> Road defect <input type="checkbox"/> Other - No driver error <input type="checkbox"/> Traffic control not functioning <input type="checkbox"/> Improper lane change <input type="checkbox"/> Improper backing <input checked="" type="checkbox"/> None												
EVENT	WHAT DRIVERS WERE DOING (Mark 1 for each with X) V1 V2 <input checked="" type="checkbox"/> Going Straight <input type="checkbox"/> Overtaking - Passing <input type="checkbox"/> Right Turn <input type="checkbox"/> Left Turn <input type="checkbox"/> U Turn <input type="checkbox"/> Slowing <input type="checkbox"/> Backing V1 V2 <input type="checkbox"/> Stopped for traffic <input type="checkbox"/> Stopped for sign/signal <input type="checkbox"/> Start in traffic lane <input type="checkbox"/> Start from park <input type="checkbox"/> Parked <input type="checkbox"/> Other												
	SEQUENCE OF EVENTS (See event codes) V1 V2 OTC OTC FIRST EVENT SECOND EVENT THIRD EVENT FOURTH EVENT												
DRIVER	DRIVER OR PEDESTRIAN SOBRIETY (Mark 1 or more for each with X) D1 D2 <input type="checkbox"/> Consumed Alcohol <input checked="" type="checkbox"/> Consumed a Controlled Substance <input checked="" type="checkbox"/> Had Not Consumed Alcohol <input type="checkbox"/> Sobriety Unknown <input type="checkbox"/> Consumed Medication <input type="checkbox"/> Breath Test Administered gms/210L <input type="checkbox"/> Blood Test Administered <input type="checkbox"/> Field Sobriety Test <input type="checkbox"/> Refused Test												
	DRIVER OR PEDESTRIAN PHYSICAL CONDITION (Mark 1 or more for each with X) D1 D2 <input type="checkbox"/> Fatigue-Asleep <input type="checkbox"/> Eyesight Imp. <input type="checkbox"/> Hearing Imp. <input type="checkbox"/> Ill <input type="checkbox"/> Medication <input type="checkbox"/> Amputee <input type="checkbox"/> No App. Defects <input type="checkbox"/> Other Physical Impairment *Specify												
PEDESTRIAN ACTION	At Intersection P1 P2 <input type="checkbox"/> With Signal <input type="checkbox"/> Against Signal <input type="checkbox"/> No Signal <input type="checkbox"/> Diagonal Not at Intersection P1 P2 <input type="checkbox"/> From Behind <input type="checkbox"/> Obstruction <input type="checkbox"/> No Crosswalk <input type="checkbox"/> Crosswalk <input type="checkbox"/> Walking W/Traffic <input type="checkbox"/> Other P1 P2 <input type="checkbox"/> Walking Against Traffic <input type="checkbox"/> Standing <input type="checkbox"/> Pushing or Working on Vehicle <input type="checkbox"/> Playing in Road *Specify												
	NARRATIVE <p>On 11/08/10 at 2348hrs, I was dispatched to I-25 and MM218 in reference to a crash with injuries. I arrived on scene and observed vehicle 2 (a white semi tractor trailer) on the shoulder of the interstate. The cab of the vehicle was detached from the rest of the vehicle and it was lying face down on the front wind shield. I also observed vehicle debris scattered throughout the roadway. There was a female, occupant 1, lying on the ground next to the vehicle. She was complaining of severe neck, back, and chest pain. Rescue personnel arrived on scene and transported her by ambulance to UNMH.</p> <p>Inside of the cab, the driver of vehicle 2 was trapped inside the vehicle. Rescue personnel arrived on scene and extracted him from the vehicle. He was then transported by life flight to UNMH for back and leg injuries.</p> <p>I then made contact with driver of vehicle 1, who stated he was uninjured and did not require medical treatment. The vehicle had slight damage to right rear side panel and the brake lights. The driver stated that he was stopped on the roadway due to a vehicle accident that was just south of his location. He went on to state that he was sitting in place with his hazard lights on when he felt another vehicle collide into the rear of his vehicle. He then exited his vehicle and observed vehicle number 2 severely damaged, with the cab detached from the frame. He then went to assist the occupants vehicle 2.</p> <p>The driver of vehicle 2 was unable to provide a statement due to the severity of his injuries, and the occupant of vehicle 2 stated that she was asleep when the crash happened. Two witnesses filled out statements to include their observations in the aftermath of the crash, but neither witness observed the crash take place. (Continued)</p>												
Use Diagram/Narrative Sheet for additional information													
OTHER PROPERTY INVOLVED Owner's Name _____ Owner's Address _____ Owner's Zip Code _____ Owner's Telephone _____													
WITNESS	NAME AGE ADDRESS TELEPHONE Marquez, Winifred 0 10 Albuquerque Lane, Los Lunas, NM 87018- (505)244-7700 Lopez, Andrea 0 (505)922-5008												
	NAME ADDRESS TELEPHONE												
ENFORCEMENT ACTION	VEH. NO. NAME VIOLATION (COMMON NAME) ACTION <input type="checkbox"/> Booked <input type="checkbox"/> Cited <input type="checkbox"/> Pending <input type="checkbox"/> Booked <input type="checkbox"/> Cited <input type="checkbox"/> Pending <input type="checkbox"/> Booked <input type="checkbox"/> Cited <input type="checkbox"/> Pending												
	Time Notified 2348 Time Arrived 2353 Notified By Dispatch Supervisor at Scene R. Tafuya Checked By Tafuya, Ryan (S-9) Officer's Signature _____ Printed Officers Name: Allen, Anthony (109) A Rank D2 ID No 4507 District 711 Date of Report 11/9/2010												
CRASH REPORT NUMBER: STATE OF NEW MEXICO UNIFORM CRASH REPORT SHEET 2 OF 3 SHEETS CASE NUMBER: 10-665462													

THIS REPORT MAY CONTAIN OPINIONS AND OBSERVATIONS OF THE INVESTIGATING OFFICER

CAD # 10-665462

11/15/2010 12:24

DIAGRAM/NARRATIVE

Use Additional Sheets As Necessary

Vehicle 1 was driven away from the scene safely, and vehicle 2 was towed from the scene by Knittles Towing Services. NMDOT arrived on scene and cleared the roadway of all debris. AFD Hazmat arrived on scene and cleared the roadway of the spilled gasoline. The roadway was opened back up to traffic and there is nothing further to report.

CAD # 10-665462

CRASH REPORT #
CASE NUMBER
10-665462

DIAGRAM DRAWN BY:

MEASUREMENTS TAKEN BY:



Indicate
North
By
Arrow

CRASH REPORT #
CASE NUMBER: 10-665462

STATE OF NEW MEXICO UNIFORM CRASH REPORT

THIS REPORT MAY CONTAIN OPINIONS AND OBSERVATIONS OF THE INVESTIGATING OFFICER

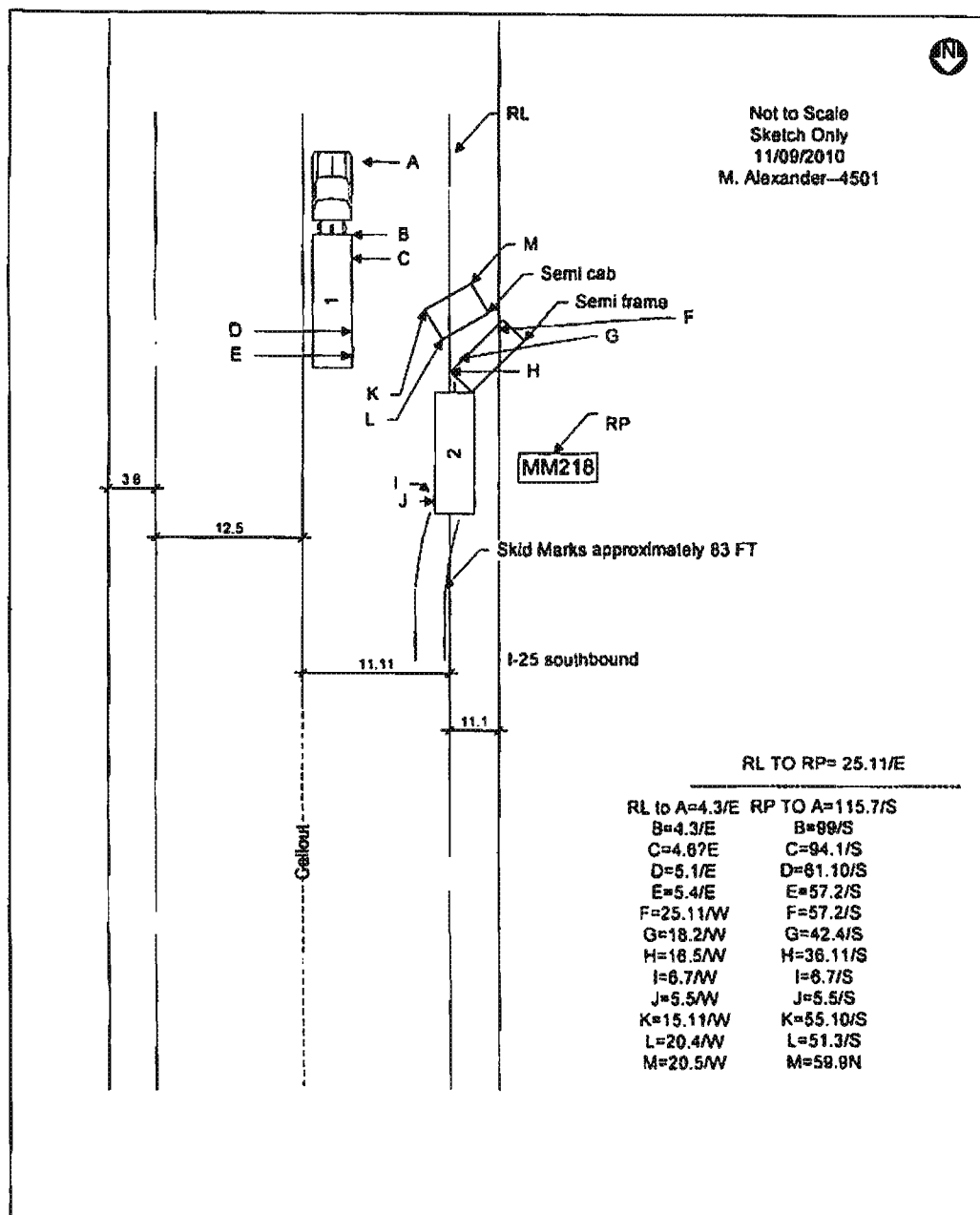
SHEET 3
OF 3 SHEETS

11/15/2010

12:24

DIAGRAM/NARRATIVE

Use Additional Sheets As Necessary



CRASH REPORT #

CAD # 10-665462

CASE NUMBER
10-665462DIAGRAM DRAWN BY:
M. Alexander 4501MEASUREMENTS TAKEN BY:
M. Alexander 4501Indicate
North
By
ArrowCRASH REPORT #
CASE NUMBER: 10-665462

STATE OF NEW MEXICO UNIFORM CRASH REPORT

THIS REPORT MAY CONTAIN OPINIONS AND OBSERVATIONS OF THE INVESTIGATING OFFICER

SHEET 1
OF 1 SHEETS

11/15/2010

BERNALILLO COUNTY SHERIFF'S DEPARTMENT REPORT OF TOWED VEHICLE

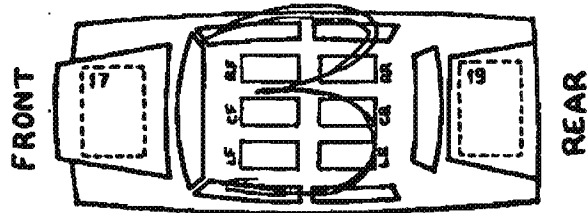
54417

Make INTERNATIONAL
 Year 2010
 Style _____
 Color WH
 Driver/Owner TERRY Mc DANIEL
 Address 47 BELL AVE MORMANTY
 Vehicle Damage 87035

CAD # 10-665462
 VIN 3HSCUAPR2BN263863
 License 341-9EQ
 State OK
 Year Lic. 2006
 Phone _____

VEHICLE DAMAGE SEVERITY
 (Enter Codes in Vehicle Damage Area(s))
 SEVERITY CODES: 1 Slight or Minor -
 2 Moderate - 3 Severe or Extreme.

18 Top
 20 Undercarriage



Hold on Car? ☐ Yes ☒ No FOR _____
 Store Inside? ☐ Yes ☒ No
 Owner Requested Tow ☐ Yes ☒ No
 Driver/Owners Signature TERRY Mc DANIEL
 Inventory of Vehicle _____ Keys In Car ☒ Yes ☐ No

MISC. ITEMS MISC PAPERS

I hereby acknowledge receipt of above vehicle and property, in specified condition.

Wrecker Driver's Signature [Signature]
 Wrecker Company KNITLES

Towed From Mile M 218 S. I-25
 Towed To 2412 JOHNSON NE Reason VEHICLE DISABLED

Officer Authorizing Tow _____
 Man # 4501 Date 11-9-10 Time 0152 HRS

Supervisor Authorizing Tow / Hold _____

Vehicle Can Be Released On _____

MONTH

DAY

YEAR

Vehicle can be released on the release date indicated above. No vehicle with a hold placed on it, will be released until official authorization is obtained from the Bernalillo County Sheriff's Department. The Bernalillo County Sheriff's Department will not be responsible for vehicle damage or personal property, when the tow is owner requested, or after the wrecker company has assumed control of the vehicle. No vehicle impounded, will be released from storage until owner or his agent has first presented proper proof of ownership to the wrecker company.

Owner or Agent in Charge of Vehicle

Address

Signed _____ Date Filed.: _____ Time: _____
 (Person Releasing Vehicle) Mo Day Year

If vehicle is released at the scene, only one copy is to be submitted to the Sheriff's Department.

TOW REPORT

BCSD (3/03) No. 0005

11/15/2010 12:24:00 000157

BERNALILLO COUNTY SHERIFF'S DEPARTMENT
VICTIM WITNESS STATEMENT

CASE # 10-665462NAME: Winfred MarquezADDRESS: 10 Alby Lane, Los Lunas

DOB: _____ SSN: (LAST FOUR ONLY) _____ and birth _____

TELEPHONE NUMBER (WK) 214-7700 TELEPHONE NUMBER (HM) 865-6984

I, Winfred Marquez FURNISH THE FOLLOWING VOLUNTARY STATEMENT TO _____ OF THE BERNALILLO COUNTY SHERIFF'S DEPARTMENT. I DECLARE THAT THE FOLLOWING VOLUNTARY STATEMENT IS MADE OF MY OWN FREE WILL WITHOUT FEAR OR THREAT OF PHYSICAL HARM, WITHOUT COERCION, FAVOR OR OFFER OF FAVOR. WITHOUT LENIENCY OR OFFER LENIENCY BY ANY PERSON WHOMSOEVER.

I was driving on I 25 South Bound, I came to the top of the hill and the traffic was backed-up. I noticed an accident had occurred. A man got out of his semi (two semis in accident) he was walking towards the wrecked semi. I asked if he needed help, and if anyone was trapped, he said he didn't know. I asked if he had called 911, he told me he had not. I called 911 and reported the accident. The man was trapped in the cab, the lady in the steps she crawled out of the window with the assistance of two men. I stayed with her until help arrived.

.....

SIGNATURE Deborah Macgregor DATE 11-9-11 TIME 11:55 - 11:58/10
not exact time.

WITNESS _____ DATE _____ TIME _____

11/25/2010 12:24 PM 000167

BERNALILLO COUNTY SHERIFF'S DEPARTMENT
VICTIM WITNESS STATEMENTCASE # 1D-665462NAME: Andrea Lopez

ADDRESS: _____

DOB: _____ SSN (LAST FOUR ONLY) _____ EMPLOYER _____

TELEPHONE NUMBER (WK) (505) 422-5008 TELEPHONE NUMBER (HM) _____

I, Andrea FURNISH THE FOLLOWING VOLUNTARY STATEMENT TO _____ OF THE BERNALILLO COUNTY SHERIFF'S DEPARTMENT. I DECLARE THAT THE FOLLOWING VOLUNTARY STATEMENT IS MADE OF MY OWN FREE WILL WITHOUT FEAR OR THREAT OF PHYSICAL HARM, WITHOUT COERCION, FAVOR OR OFFER OF FAVOR. WITHOUT LENIENCY OR OFFER LENIENCY BY ANY PERSON WHOMSOEVER.

Coming up the hill saw brake lights, ~~and~~ pulled
up saw the lady climb out. ~~the~~ 2 guys got her.
laid her on the ground. I stopped to get out a
gave a towel to cover her up. She wouldn't
stop moving. She was complaining her right side
hurt. ~~Also~~ said she was asleep when it happened

TIME

04/04/2011 13:23

DIAGRAM/NARRATIVE

Use Additional Sheets As Necessary

On 03/15/11 at 0830hrs, I conducted a telephone interview with the driver of vehicle two in reference to a crash with injuries that occurred on 11/09/10 at 2348hrs. The driver of vehicle two was unable to provide a statement at the scene due to significant injury.

During the interview, driver two stated that he was heading southbound on I-25 when vehicle one passed him at a high rate of speed and then got in front of him and began hitting his brakes. At that time driver two then changed lanes twice in order to prevent a possible collision with vehicle one. He went on to state that vehicle one changed lanes both times in order to stay in front of him.

Driver two then stated that he was moving over to the right shoulder, due to his belief that vehicle one was driving recklessly. At that time vehicle one then swerved to the right and collided with the front of his truck and then hit the brakes. Driver two then stated that he heard two loud bangs and the lights went out in his truck.

This supplemental report was completed in order to document driver's two statements involving the above stated crash. There is nothing further to report at this time.

CAD # 10-565462

CRASH REPORT #

CASE NUMBER
10-565462

DIAGRAM DRAWN BY:

MEASUREMENTS TAKEN BY:



Indicate
North
By
Arrow

SHEET 1
OF 1 SHEETS

CRASH REPORT #
CASE NUMBER: 10-565462

STATE OF NEW MEXICO UNIFORM CRASH REPORT

THIS REPORT MAY CONTAIN OPINIONS AND OBSERVATIONS OF THE INVESTIGATING OFFICER

FILED IN MY OFFICE
DISTRICT COURT CLERK
11/8/2013 9:55:03 AM
GREGORY T. IRELAND

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Andrea Salas

TERRY MCDANIEL, and
VANESSA COWAN,

Plaintiffs,

D-202-CV-2013-08946

v.

FRANCISCO JAVIER MENDEZ LOYA,
d/b/a TRANSLOGISTICA MENLO,
ARMANDO GAYTAN SAUCEDO,
RED ROCK RISK RETENTION GROUP, INC.,
TERRY MCDANIEL,

Defendants.

PLAINTIFFS' CERTIFICATION
REGARDING ARBITRATION UNDER LOCAL RULE 2-603

COME NOW the Plaintiffs by and through their attorneys of record, **MARTINEZ, HART & THOMPSON, P.C.** (Bruce E. Thompson) and hereby certifies that this case is not subject to referral to arbitration under Local Rule 2-603. At least one party seeks relief other than a money judgment and/or at least one party seeks an award in excess of \$25,000.00 exclusive of punitive damages and exclusive of interest, costs and attorneys' fees.

Respectfully Submitted,

MARTINEZ HART & THOMPSON, P.C.

/s/ Bruce E. Thompson

Bruce E. Thompson
Attorney for Plaintiffs
1801 Rio Grande Blvd NW
Albuquerque, NM 87104
(505) 343-1776
(505) 344-7709 (fax)
brucet@osolawfirm.com

FILED IN MY OFFICE
DISTRICT COURT CLERK
3/31/2014 11:18:33 AM
GREGORY T. IRELAND

Lori Lujan

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

TERRY MCDANIEL, and
VANESSA COWAN,

Plaintiffs,

v.

D-202-CV-2013-08946

FRANCISCO JAVIER MENDEZ LOYA,
d/b/a TRANSLOGISTICA MENLO,
ARMANDO GAYTAN SAUCEDO,
RED ROCK RISK RETENTION GROUP, INC.,
TERRY MCDANIEL,

Defendants.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the Complaint and Summons were served upon Francisco Javier Mendez Loya, d/b/a Translogistica Menlo at 11150 Gateway East, El Paso, TX, 79927, on March 22, 2014, at 12:06 p.m. via certified mail. Attached as Exhibit A is a track and confirm document from the United States Postal Service verifying delivery. Attached as Exhibit B is the completed United States Postal Service Certified Mail Return Receipt card.

Respectfully submitted,

MARTINEZ, HART & THOMPSON, P.C.

/s/ Bruce E. Thompson

Bruce E. Thompson
Attorney for Plaintiff
1801 Rio Grande NW
Albuquerque, New Mexico 87104
(505) 343-1776
(505) 344-7709 – FAX
brucet@osolawfirm.com

English

Customer Service

USPS Mobile

Register / Sign In



Search USPS.com or Track Packages

Quick Tools

Track

Enter up to 10 Tracking #s! Find

Find USPS Locations

Buy Stamps

Schedule a Pickup

Calculate Postage

Look Up a ZIP Code™

Hold Mail

Change of Address

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

USPS Tracking™



Customer Service »

Have questions? We're here to help.

Tracking Number: 70132630000028458021

Product & Tracking Information

Available Actions

Postal Product:

Features:

Certified Mail™

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
March 22, 2014 , 12:06 pm	Delivered	EL PASO, TX 79927
March 21, 2014	Depart USPS Sort Facility	EL PASO, TX 79910
March 21, 2014 , 1:39 am	Processed through USPS Sort Facility	EL PASO, TX 79910
March 20, 2014 , 9:24 pm	Processed through USPS Sort Facility	EL PASO, TX 79910
March 19, 2014	Depart USPS Sort Facility	ALBUQUERQUE, NM 87101
March 19, 2014 , 7:57 pm	Processed through USPS Sort Facility	ALBUQUERQUE, NM 87101

Track Another Package

What's your tracking (or receipt) number?

Track It

LEGAL

Privacy Policy »

Terms of Use »

FOIA »

No FEAR Act EEO Data »

ON USPS.COM

Government Services »

Buy Stamps & Shop »

Print a Label with Postage »

Customer Service »

Delivering Solutions to the Last Mile »

Site Index »

ON ABOUT.USPS.COM

About USPS Home »

New room »

USPS Service Alerts »

Forms & Publications »

Careers »

OTHER USPS SITES

Business Customer Gateway »


Postal Inspectors »

Inspector General »

Postal Explorer »



Copyright© 2014 USPS. All Rights Reserved.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Francisco Javier Mendez Loya d/b/a Translogistica Menlo 11150 Gateway East El Paso TX 79927</p>		<p>B. Received by (Printed Name) Marie Martinez</p> <p>C. Date of Delivery 3/22</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type:</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
		<p>7013 2630 0000 2845 8021</p>	
PS Form 3811, July 2013		Domestic Return Receipt	

FILED IN MY OFFICE
DISTRICT COURT CLERK
4/1/2014 4:32:17 PM
GREGORY T. IRELAND

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Gwendolen Lindquist

TERRY MCDANIEL, and
VANESSA COWAN,

Plaintiffs,

v.

D-202-CV-2013-08946

FRANCISCO JAVIER MENDEZ LOYA,
d/b/a TRANSLOGISTICA MENLO,
ARMANDO GAYTAN SAUCEDO,
RED ROCK RISK RETENTION GROUP, INC.,
TERRY MCDANIEL,

Defendants.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the Complaint and Summons were served upon Francisco Javier Mendez Loya, d/b/a Translogistica Menlo c/o Truck Process Agents of America at 4809 Jefferson St. NE, Albuquerque, NM, 87109, on March 21, 2014, at 12:36 p.m. via certified mail. Attached as Exhibit A is a track and confirm document from the United States Postal Service verifying delivery. Attached as Exhibit B is the completed United States Postal Service Certified Mail Return Receipt card.

Respectfully submitted,

MARTINEZ, HART & THOMPSON, P.C.

/s/ Bruce E. Thompson

Bruce E. Thompson
Attorney for Plaintiffs
1801 Rio Grande NW
Albuquerque, New Mexico 87104
(505) 343-1776
(505) 344-7709 – FAX
brucet@osolawfirm.com

[English](#)[Customer Service](#)[USPS Mobile](#)[Register / Sign In](#)[Search USPS.com or Track Packages](#)**Quick Tools**[Track](#)[Enter up to 10 Tracking #s Find](#)[Find USPS Locations](#)[Buy Stamps](#)[Schedule a Pickup](#)[Calculate Price](#)[Look Up a ZIP Code](#)[Hold Mail](#)[Change of Address](#)[Ship a Package](#)[Send Mail](#)[Manage Your Mail](#)[Shop](#)[Business Solutions](#)**USPS Tracking™****Customer Service ›****Have questions? We're here to help.****Tracking Number: 70132630000028460000****Product & Tracking Information****Postal Product:****Features:****Certified Mail™**

DATE & TIME	STATUS OF ITEM	LOCATION
March 21, 2014 , 12:36 pm	Delivered	ALBUQUERQUE, NM 87109
March 20, 2014 , 2:53 pm	Notice Left (No Authorized Recipient Available)	ALBUQUERQUE, NM 87109
March 20, 2014 , 2:05 am	Processed through USPS Sort Facility	ALBUQUERQUE, NM 87101
March 19, 2014	Depart USPS Sort Facility	ALBUQUERQUE, NM 87101
March 19, 2014 , 8:02 pm	Processed through USPS Sort Facility	ALBUQUERQUE, NM 87101

Available Actions**USPS Text Tracking™****Email Updates****Track Another Package****What's your tracking (or receipt) number?****Track It****LEGAL**[Privacy Policy ›](#)[Terms of Use ›](#)[FOIA ›](#)[No FEAR Act EEO Data ›](#)**ON USPS.COM**[Government Services ›](#)[Buy Stamps & Shop ›](#)[Print a Label with Postage ›](#)[Customer Service ›](#)[Delivering Solutions to the Last Mile ›](#)[Site Index ›](#)**ON ABOUT.USPS.COM**[About USPS Home ›](#)[Newsgroom ›](#)[USPS Service Alerts ›](#)[Forms & Publications ›](#)[Careers ›](#)**OTHER USPS SITES**[Business Customer Gateway ›](#)[Postal Inspectors ›](#)[Inspector General ›](#)[Postal Explorer ›](#)

Copyright © 2014 USPS. All Rights Reserved.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Betty Herrera</u></p> <p>C. Date of Delivery <u>3-21-14</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p><u>Francisco Javier Mendez Loya</u> <u>d/b/a Translogistica mento</u> <u>40 Truck Process Agents of America</u> <u>4809 Jefferson St. NE</u> <u>Albuquerque NM 87109</u></p>		<p>E. Service Type</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, July 2013</p>		<p>Domestic Return Receipt</p>	

FILED IN MY OFFICE
DISTRICT COURT CLERK
4/10/2014 3:06:04 PM
GREGORY T. IRELAND

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Shellene Romero

TERRY MCDANIEL and
VANESSA COWAN,

Plaintiffs,

D-202-CV-2013-08946

v.

FRANCISCO JAVIER MENDEZ LOYA
d/b/a TRANSLOGISTICA MENLO,
ARMANDO GAYTAN SAUCEDO,
RED ROCK RISK RETENTION GROUP, INC.,
TERRY MCDANIEL,

Defendants.


ENTRY OF APPEARANCE

COMES NOW, Colbert N. Coldwell and the law firm of Guevara, Baumann, Coldwell & Reedman, L.L.P. and enter their appearance on behalf of FRANCISCO JAVIER MENDEZ LOYA, a Defendant, for all matters pertaining herein.

Respectfully submitted,

GUEVARA, BAUMANN, COLDWELL & REEDMAN, L.L.P.
4171 N. Mesa, Suite B-201
El Paso, Texas 79902
(915) 544-6646 Office; (915) 544-8305 Fax

BY:



COLBERT N. COLDWELL
Attorney for Defendant
Francisco Javier Mendez Loya

PROOF OF SERVICE

I hereby certify that on the 10~~th~~ day of April, 2014, I filed the foregoing Original Answer of Francisco Javier Mendez Loya, electronically through the Second Judicial District Court e-file System, which caused the counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing, as follows:

1. Bruce E. Thompson, Martinez, Hart & Thompspon, PC, 1801 Rio Grande Blvd. NW, Albuquerque, NM 87104; email bruce@osqlawfirm.com

/s/
COLBERT N. COLDWELL
e-mail: GBCR_Law@att.net

FILED IN MY OFFICE
DISTRICT COURT CLERK
4/10/2014 3:10:34 PM
GREGORY T. IRELAND

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Dawna Martin

TERRY MCDANIEL and
VANESSA COWAN,

Plaintiffs,

v.

D-202-CV-2013-08946

FRANCISCO JAVIER MENDEZ LOYA
d/b/a TRANSLOGISTICA MENLO,
ARMANDO GAYTAN SAUCEDO,
RED ROCK RISK RETENTION GROUP, INC.,
TERRY MCDANIEL,

Defendants.

ORIGINAL ANSWER OF FRANCISCO JAVIER MENDEZ LOYA

Comes now, FRANCISCO JAVIER MENDEZ LOYA, through counsel, Colbert N. Coldwell, and file this, his Original Answer to the Complaint for Declaratory Judgment and damages, and would show:

1. This Defendant admits paragraphs 1 through 4 of the Complaint.
2. This Defendant denies the allegations of paragraph 5 of the Complaint.
3. This Defendant admits the allegations of paragraph 6 of the Complaint.
4. This Defendant is without information as to the allegations of paragraphs 7 and 8 of the Complaint, and therefore must deny same.

FACTS

5. This Defendant specifically denies the allegations of paragraph 9 of the Complaint as untrue.

6. This Defendant did not have liability insurance on the vehicle involved in the Complaint because the vehicle was not one of his insured vehicles and not a vehicle listed under his DOT Permit referred to in paragraph 4 of the Complaint.
7. This Defendant is without knowledge about the circumstances of the collision which is the basis of this lawsuit, and therefore, denies the allegations of paragraphs 11, 12 and 13 of the Complaint.
8. This Defendant is without knowledge of the liability insurance carried by ARMANDO GAYTAN SAUCEDO and therefore cannot admit or deny that he was a “uninsured motorist” and therefore must demand strict proof thereof.
9. This Defendant is without knowledge of carriage of any uninsured or underinsured motorist coverage by Plaintiffs and therefore must deny the allegations of paragraphs 17 and 18 of the Complaint.
10. This Defendant is without knowledge of the causation of the underlying motor vehicle collision which is the subject of this lawsuit and therefore must deny the allegations of paragraph 19.
11. This Defendant is without knowledge of the injuries suffered by the Plaintiffs and therefore must deny the allegations of paragraphs 20 and 21 of the Complaint.
12. This Defendant is without knowledge of the actions of Defendant ARMANDO GAYTAN SAUCEDO in the accident, and would therefore deny that they were intentional, malicious, or reckless as stated in paragraph 22 of the Complaint.

13. This Defendant is aware that Plaintiff COWAN disclaimed negligence of her host driver but is without knowledge of the facts set out in paragraphs 23, 24, 25, 26 and 27, and therefore must deny same.

COUNT 1 - DAMAGES FOR PERSONAL INJURY

14. This Defendant denies all the allegations contained in paragraphs 28, 29 and 30 of the Complaint.

COUNT 2 - DECLARATORY JUDGMENT

15. This Defendant is without knowledge of the facts and allegations contained in Count 2 and same do not pertain to this Defendant in paragraphs 31 through 38 of the Complaint. Insofar as such allegations pertain to this Defendant, this Defendant denies such allegations.

COUNT 3 - UM/UIM BENEFITS

16. This Defendant believes that the allegations of Count 3 of the Complaint do not appear to pertain to this Defendant and this Defendant has no knowledge of the allegations therein contained. Insofar as such allegations do pertain to this Defendant, he denies same as set out in paragraphs 39 through 42 of the Complaint.

SPECIAL DEFENSES

17. Although the Complaint on its face appears to have been filed on the day before the three-year statute of limitations for tort action would have run out on Plaintiffs alleged causes of action for personal injuries pursuant to NMSA § 37-1-4, Plaintiffs have been dilatory in seeking the immediate issuance of legal process after the filing of such Complaint, or even seeking the waiver thereof, as required by NMSA §37-1-13 and therefore Plaintiffs have not

- Respectfully submitted,

BY: //s/
COLBERT N. COLDWELL
NM Bar No. 3432
Attorney for Defendant
Francisco Javier Mendez Loya

I hereby certify that on the 10th day of April, 2014, I filed the foregoing Original Answer of Francisco Javier Mendez Loya, electronically through the Second Judicial District Court e-file System, which caused the counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing, as follows:

- //s//
COLBERT N. COLDWELL

FILED IN MY OFFICE
DISTRICT COURT CLERK
4/21/2014 10:23:45 AM
GREGORY T. IRELAND

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Christina Villa

TERRY MCDANIEL and
VANESSA COWAN,

Plaintiffs,

v.

D-202-CV-2013-08946

FRANCISCO JAVIER MENDEZ LOYA
d/b/a TRANSLOGISTICA MENLO,
ARMANDO GAYTAN SAUCEDO,
RED ROCK RISK RETENTION GROUP, INC.,
TERRY MCDANIEL,

Defendants.

THIRD PARTY COMPLAINT

Comes now, FRANCISCO JAVIER MENDEZ LOYA, through counsel, Colbert N. Coldwell, and file this, his Third Party Complaint against Co-Defendant, ARMANDO GAYTAN SAUCEDO, who may be served with summons herein at his last known address: 1844 Suecia Road, Juarez, Chihuahua, Mexico, 202026, and for cause of action would show:

1. Third Party Defendant was the owner and driver of a 1997 Kenworth truck, licensed in the State of New Mexico under license plate number 8426FTD, such truck having VIN 1UYVS2482MU812910 which was involved in a motor vehicle collision on November 9, 2010, in Bernalillo County, New Mexico, and the vehicle operated by Plaintiff McDaniel and in which Plaintiff Cowan was a passenger, for which collision said Plaintiffs claimed liability for personal injuries of Plaintiff Cowan.
2. Third Party Defendant falsely represented a license issued by the U.S. Department of Transportation to Third Party Plaintiff herein, to-wit: No. 01819021, which representation

was a complete falsehood and misrepresentation under both federal and New Mexico statutes rules and regulations, and a fraud perpetrated upon Plaintiffs, New Mexico law enforcement officials, and upon Third Party Plaintiff.

3. The motor vehicle involved in the above entitled and numbered cause and the collision of November 9, 2010, was not a licensed motor vehicle owned by Third Party Plaintiff, or licensed by him with the U.S. Department of Transportation for transportation of goods or services in the United States of America under his valid and subsisting license with the United States Department of Transportation and Third Party Defendant was an imposter in the representation of such license number on his said truck and in representing it to Plaintiffs, the State of New Mexico law enforcement officials, and by reason of misuse and presumption and misrepresentation thereof, Third Party Defendant has dragged Third Party Plaintiff into this dispute in which he has no interest or involvement and is totally innocent of any potential liability in accordance with Rule 1-014 of the Rules of Civil Procedure-District Courts.
4. Third Party Plaintiff has incurred damages for his reasonable attorney's fees for defense of this case, and prosecution of this Third Party Complaint, and has suffered damages to his person and reputation in good standing with the United States Department of Transportation, for which good standing he depends for his livelihood as an international trucker and shipper between Mexico and the United States, in the amounts that exceed the minimal jurisdictional limits of this Hon. Court.
5. Defendant, ARMANDO GAYTAN SAUCEDO, is the sole party defendant with liability to Plaintiffs for their alleged cause of action as stated in the case in chief, and Third Party

FILED IN MY OFFICE
DISTRICT COURT CLERK
4/21/2014 10:31:10 AM
GREGORY T. IRELAND

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Shellene Romero

TERRY MCDANIEL and
VANESSA COWAN,

Plaintiffs,

v.

D-202-CV-2013-08946

FRANCISCO JAVIER MENDEZ LOYA
d/b/a TRANSLOGISTICA MENLO,
ARMANDO GAYTAN SAUCEDO,
RED ROCK RISK RETENTION GROUP, INC.,
TERRY MCDANIEL,

Defendants.

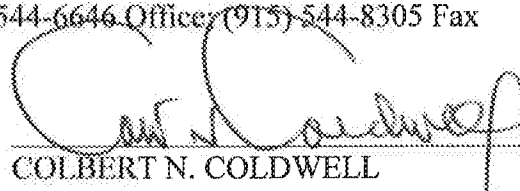
DEFENDANT FRANCISCO JAVIER MENDEZ LOYA'S
CERTIFICATE REGARDING ARBITRATION UNDER LOCAL RULE 2-603

COMES NOW, Defendant / Third-Party Plaintiff, FRANCISCO JAVIER MENDEZ LOYA
d/b/a TRANSLOGISTICA MENLO, by and through his attorney of record, Colbert N. Coldwell, and
hereby certifies that this case is not subject to referral to arbitration under Local Rule 2-603. At least
one party seeks relief other than a money judgment and/or at least one party seeks an award in excess
of \$25,000.00 exclusive of punitive damages and exclusive of interest, costs and attorneys fees.

Respectfully submitted,

GUEVARA, BAUMANN, COLDWELL & REEDMAN, L.L.P.
4171 N. Mesa, Suite B-201
El Paso, Texas 79902
(915) 544-6646 Office; (915) 544-8305 Fax

BY:


COLBERT N. COLDWELL
Attorney for Defendant/Third Party Plaintiff
Francisco Javier Mendez Loya

PROOF OF SERVICE

I hereby certify that on the 16/1 day of April, 2014, I filed the foregoing Certification of Francisco Javier Mendez Loya, electronically through the Second Judicial District Court e-file System, which caused the counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing, as follows:

1. Bruce E. Thompson, Martinez, Hart & Thomspon, PC, 1801 Rio Grande Blvd. NW, Albuquerque, NM 87104; email brucet@osolawfirm.com

/s/

COLBERT N. COLDWELL

e-mail: GBCR_Law@att.net

FILED IN MY OFFICE
DISTRICT COURT CLERK
5/2/2014 8:30:46 AM
GREGORY T. IRELAND

Jennifer Sanchez

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

TERRY MCDANIEL, and
VANESSA COWAN,

Plaintiffs,

v.

D-202-CV-2013-08946

FRANCISCO JAVIER MENDEZ LOYA,
d/b/a TRANSLOGISTICA MENLO,
ARMANDO GAYTAN SAUCEDO,
RED ROCK RISK RETENTION GROUP, INC.,
TERRY MCDANIEL,

Defendants.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the Complaint and Summons were served upon Red Rock Risk Retention Group c/o CT Corporation System at 2390 E. Camelback Rd. Phoenix, AZ, 85016, on April 28, 2014, at 11:32 a.m. via certified mail. Attached as Exhibit A is a track and confirm document from the United States Postal Service verifying delivery. Attached as Exhibit B is the completed United States Postal Service Certified Mail Return Receipt card.

Respectfully submitted,

MARTINEZ, HART & THOMPSON, P.C.

/s/ Bruce E. Thompson

Bruce E. Thompson
Attorney for Plaintiffs
1801 Rio Grande NW
Albuquerque, New Mexico 87104
(505) 343-1776
(505) 344-7709 – FAX
brucet@osolawfirm.com

English

Customer Service

USPS Mobile

Register / Sign In



Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

USPS Tracking™



Customer Service ›
Have questions? We're here to help.

Tracking Number: 70132630000028458076

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Available Actions

USPS Text Tracking™

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
April 28, 2014 , 11:32 am	Delivered	PHOENIX, AZ 85016

Your item was delivered at 11:32 am on April 28, 2014 in PHOENIX, AZ 85016.

April 26, 2014 , 9:10 am	Business Closed	PHOENIX, AZ 85016
April 26, 2014 , 7:44 am	Out for Delivery	PHOENIX, AZ 85016
April 26, 2014 , 7:34 am	Sorting Complete	PHOENIX, AZ 85016
April 26, 2014 , 6:01 am	Arrival at Unit	PHOENIX, AZ 85016
April 26, 2014 , 4:02 am	Depart USPS Sort Facility	PHOENIX, AZ 85043
April 26, 2014 , 3:18 am	Processed through USPS Sort Facility	PHOENIX, AZ 85043
April 25, 2014 , 9:47 pm	Processed through USPS Sort Facility	PHOENIX, AZ 85043
April 25, 2014 , 3:10 am	Depart USPS Sort Facility	ALBUQUERQUE, NM 87101
April 24, 2014 , 9:52 pm	Processed through USPS Sort Facility	ALBUQUERQUE, NM 87101

Track Another Package

What's your tracking (or receipt) number?

Track It

LEGAL

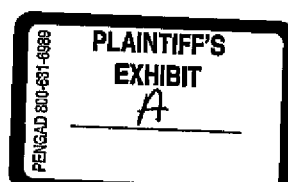
Privacy Policy ›

ON USPS.COM

Government Services ›

ON ABOUT.USPS.COM

About USPS Home ›



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature CT CORPORATION SYSTEM <input checked="" type="checkbox"/> Agent X PHOENIX ARIZONA <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p><i>Red Rock Risk Retention Group</i> <i>40 CT Corporation System</i> <i>2390 E. Camelback Rd.</i> <i>Phoenix AZ 85016</i></p>	<p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7013 2630 0000 2845 8076</p>
<p>PS Form 3811, July 2013</p>	<p>Domestic Return Receipt</p>

